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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,213	08/27/2003	Fred Bagshaw	H310765US	4338
28079 7590 03/08/2007 GOWLING, LAFLEUR HENDERSON LLP ONE MAIN STREET WEST HAMILTON, ON L8P 4Z5 CANADA			EXAMINER CHIN SHUE, ALVIN C	
			ART UNIT	PAPER NUMBER
			3634	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/648,213

Applicant(s)

BAGSHAW, FRED

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \* \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heilskov '628 in view of Henley. Heilskov shows a step/platform at 20 and heat shrink plastic stop sleeving 21. Henley shows heat shrunk stop sleeve made of thermo plastic material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use thermoplastic material, for the plastic heat shrunk sleeves of Heilskov, as taught by Henley, to facilitate shrinking.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heilskov '708 in view of Heilskov '628. Heilskov '708 shows the claimed ladder with the exception of the heat-shrinkable sleeving. Heilskov '628 shows heat-shrinkable sleeving. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the sleeving 25,26 of Heilskov '708 to be heat shrinkable, as taught by Heilskov '628, to facilitate clamping to his rope rails.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heilskov '708 and Heilskov '628, as applied to claim 4 above, and further in view

of either the disclosed typical dowel rungs (pg. 5 paragraph (0021) of applicants specification or Elfanbaum. Both the typical rung and Elfanbaum at 10 teach wooden dowel rungs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Heilskov '708 to comprise wooden dowel rungs, as taught by either the typical rung or Elfanbaum, to enable a cost-effective construction.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heilskov '708 and Heilskov '628, as applied to claim 4 above, and further in view of Henley and Richards et al. Henley shows heat shrunk stop sleeve made of thermo plastic material. Richards shows a platform step supported by three ropes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a thermoplastic material for the plastic material of the modified heat shrunk sleeves of Heilskov '708, as taught by Henley, to facilitate shrinking, and for his platform 21 to be of a length and supported by three of his ropes 19,20, as taught by Richards, to enhance the climbing surface of his device.

Applicant's arguments filed 1/11/2007 have been fully considered but they are not persuasive. With respect to claim 6, Heilskov '628 device is a ladder, note it is a means for embarkment and disembarkment by climbing. With respect to claims 1 and 4, applicant argues that there is no motivation to modify Heilskov '708 in

view of Heilkov '628, it is noted that the difference between Heilskov '708 and the claimed invention is that of a heat shrinkable sleeve. Heilskov '628 teaches the interchangeable use of mechanical constrictable sleeve and heat shrinkable sleeve for holding the rungs/climbing means (12) of a ladder to its rope support. Thus Heilskov '628 is an analogous art, and it is proper for one of ordinary skill in the art to appreciate the teachings of analogous art to resolve the differences at hand, thus the modification of making the sleeve of '708 of a plastic heat shrinkable material, as taught by '628 is deemed proper.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alvin C. Chin-Shue  
Examiner  
Art Unit 3634

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